

44. (New) The method of Claim 43, wherein the composition has a covering index ranging from 0.1 to 0.5.

45. (New) The method of Claim 43, wherein the composition has a covering index ranging from 0.13 to 0.4.--

#### **SUPPORT FOR AMENDMENTS**

Claims 1, 2, 14, 21, 22 and 23 have been amended in a non-limiting manner to correct typographical or other errors. Claim 21 has also been amended to require that a light scattering effective amount of fibers be present in the composition. Support for this amendment can be found, *inter alia*, at page 1, lines 16-17.

New claims 35-45 have been added.

Claims 1-45 are currently pending.

#### **REMARKS**

The pending claims relate to compositions containing fibers and an active agent for treating greasy skin, as well as to methods of changing the appearance of skin, specifically fading out skin relief defects in skin, using fiber-containing compositions. As noted in the present specification, previous attempts to obtain compositions useful for changing the skin's appearance yielded compositions having numerous shortcomings such as, for example, giving the skin an unnatural appearance or accentuating skin defects. (See, page 1, lines 19-28). Moreover, fiber-containing compositions were not known to possess the ability to affect the skin's appearance, particularly with respect to fading out skin relief defects in skin. (Page 2, lines 7-11). The claimed invention addresses these problems, and provides fiber-containing compositions useful for changing the skin's appearance (including fading out skin defects).

Neither of the cited references teaches or suggests this invention or any of the benefits associated with it. Accordingly, the claimed invention represents an advance in the art deserving of patent protection.

In view of this background, each of the rejections made in the outstanding Office Action will now be addressed in turn.

### **REJECTIONS UNDER 35 U.S.C. §112**

The Office Action rejected claims 2, 7, 14 and 27 under 35 U.S.C. § 112, second paragraph as being indefinite. In view of the following remarks, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Claims 2 and 14 have been amended to eliminate the typographical errors in these claims. Accordingly, the rejection of these claims is now moot.

Claims 7 and 27 were rejected under 35 U.S.C. § 112 because they include the term "Teflon®." Applicant respectfully traverses this rejection and requests reconsideration thereof.

"Teflon®" is sufficiently well-known that it, by itself, conveys the identify and/or description of the goods associated with the mark. This is evidenced by Appendix I to the MPEP which identifies "Teflon®" as a well-known trademark and describes the product associated with this mark. Thus, use of the mark "Teflon®" conveys to one skilled in the art the product at issue, and its use does not render claims 7 and 27 indefinite. (See, e.g., claim 7 of U.S. patent 6,395,301 (attached hereto) which uses the term Teflon).

In view of the above, Applicant respectfully requests that the rejection of claims 7 and 27 under 35 U.S.C. § 112 be withdrawn.

### **REJECTION UNDER 35 U.S.C. §103**

The Office Action rejected claims 1-34 under 35 U.S.C. § 103 as obvious over JP 07196440 ("Uchizuka") in view of U.S. patent 6,306,407 ("Castro"). In view of the following comments, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Neither Uchizuka nor Castro discloses compositions containing "active agents for treating greasy skin." The Office Action admits that Uchizuka is silent regarding active agents. Castro simply states that "oil soluble actives, such as tocopherol and its derivatives or retinol and its derivatives" could optionally be added to his fiber-containing compositions. (Col. 6, lines 29-38). However, vitamins such as vitamins A (retinol) and vitamin E (tocopherol) are not suitable "active agents for treating greasy skin" as required by the claims. (See, page 8, line 19 through page 9, line 10 of the present specification).<sup>1</sup> Thus, the combination of Uchizuka and Castro does not yield the present invention because neither reference discloses an active agent for treating greasy skin. For this reason alone, the § 103 rejection is improper and should be withdrawn with respect to all claims requiring the presence of both fibers and an active agent for treating greasy skin (claims 1-20, 35, 36 and 43-45).

Moreover, neither Uchizuka nor Castro discloses or suggests that compositions containing fibers and an active agent for treating greasy skin could be used to change the appearance of skin, let alone to fade out skin relief defects in skin such as microreliefs and pores. Uchizuka merely discloses compositions containing fibers -- it does not teach or suggest that such compositions could be used to change the appearance of skin (specifically,

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<sup>1</sup> Such vitamins and their derivatives are widely used in the cosmetic industry as antioxidants (see, e.g., U.S. patent 6,030,628, col. 8, lines 31-36, attached hereto, which refers to antioxidants such as vitamin E and/or its derivatives and vitamin C and/or its derivatives).

to fade out skin relief defects in skin), let alone adding an active agent for treating greasy skin to such compositions and then using the modified composition to affect the skin's appearance. Also, Uchizuka neither teaches nor suggests incorporating a light scattering effective amount of fibers to his compositions to achieve a desired result.

Castro does not compensate for Uchizuka's deficiencies. Castro, like Uchizuka, neither teaches nor suggests adding an active agent for treating greasy skin to his fiber-containing compositions. Thus, as noted above, the combination of Castro and Uchizuka cannot yield the invention of claims 1-20, 35, 36 and 43-45.

Moreover, Castro, like Uchizuka, does not teach or suggest adding a light scattering effective amount of fibers to his compositions. Castro is silent regarding a light scattering effect. Rather, Castro states that the fibers in his compositions draw moisture or oil away from the skin's surface and/or allow moisture to be evaporated off the skin. (Col. 2, lines 10-23). Accordingly, claims 21-34 and 37-42, which require the presence of a light scattering effective amount of fibers, are neither taught nor suggested by the cited references.

Also, Castro, like Uchizuka, neither teaches nor suggests that his compositions are effective at fading out skin relief defects in skin such as microreliefs and pores. Thus, claims 23 and 43-45 are free of the cited art for this reason as well.

Finally, neither Uchizuka nor Castro teaches, suggests or recognizes any benefits associated with compositions having the covering indexes specified in the claims. Due to this critical omission, one skilled in the art, seeking to create a fiber-containing composition, would not have been motivated by Uchizuka and/or Castro to make or use compositions having particular covering indexes. For this reason as well, claims 13, 33, 35-42, 44 and 45 are neither anticipated nor rendered obvious by the cited art.

In view of the above, Applicant respectfully submits that the rejection under 35 U.S.C. §103 should be withdrawn with respect to all of the pending claims.

Applicant believes that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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1. (Amended) A cosmetic, skincare or make-up composition [containing] comprising fibers and at least one active agent for treating greasy skin.

2. (Amended) The composition according to Claim 1, wherein the at least one active agent is selected from the group consisting of  $\beta$ -lactam derivatives; quinolone derivatives; ciprofloxacin; norfloxacin; tetracycline and its salts; erythromycin and its salts; amikacin and its salts; 2,4,4'-trichloro-2'-hydroxydiphenyl ether; 3,4,4'-trichlorocarbanilide; phenoxypropanol; phenoxyisopropanol; doxycycline and its salts; capreomycin and its salts; chlorhexidine and its salts; chlortetracycline and its salts; oxytetracycline and its salts; clindamycin and its salts; ethambutol and its salts; hexamidine isethionate; metronidazole and its salts; pentamidine and its salts; gentamicin and its salts; kanamycin and its salts; lineomycin and its salts; methacycline and its salts; methenamine and its salts; minocycline and its salts; neomycin and its salts; netilmicin and its salts; paromomycin and its salts; streptomycin and its salts; tobramycin and its salts; miconazole and its salts; [amanfadine] amantadine salts; para-chloro-meta-xyleneol; nystatin; tolinaftate; 3-hydroxybenzoic acid and its salts; 4-hydroxybenzoic acid and its salts; 2-hydroxybutanoic acid and its salts; 2-hydroxypentanoic acid and its salts; 2-hydroxyhexanoic acid and its salts; phytic acid and its salts; N-acetyl-L-cysteine acid and its salts; lipoic acid and its salts; azelaic acid and its salts; arachidonic acid and its salts; ibuprofen; naproxen; hydrocortisone; acetaminophen; resorcinol; octopirox; lidocaine hydrochloride; clotrimazole; 10-hydroxy-2-decanoic acid and

its salts; zinc salts; plant extracts from the ericacea family; sulphur-rich plant extracts; and mixtures thereof.

14. (Amended) The composition according to Claim 1, wherein the composition is in a physiologically acceptable medium.

21. (Amended) A method for changing the appearance of skin, the method comprising applying to the skin a composition [containing] comprising a light scattering effective amount of fibers in a physiologically acceptable medium.

22. (Amended) The method according to Claim 21, wherein application of the composition gives the skin at least one of a matte appearance, a smooth appearance and a uniform appearance.

23. (Amended) The method according to Claim 21, wherein application of the composition fades out at least one of microreliefs, wrinkles, fine lines, pores and color variations in the skin.

Claims 35-45 (New)